RESOLUTION

RESOLUTION TO RESTORE THE RIGHTS OF WATER AND SEWER CUSTOMERS AND RESTORE THE FUNDEMENTAL DOCTRINE OF SEPERATION OF POWERS

WHEREAS, on March 19, 2023 the Director of Water Resources, Department of Environment and Conservation, State of Tennessee issued an administrative Order accessing a civil penalty to the Town of Tellico Plains in the amount of $25,530.00 for alleged violations of State Drinking Water regulations; and

WHEREAS, The Town of Tellico Plains has explained thru council alleged violations of State Drinking Water Regulations **did not occur** or were caused by **explicit direction** of the State of Tennessee, Environment and Conservation employees to Mayor Parker and Tellico Plains Staff; and

WHEREAS The Town of Tellico Plains thru council, given the aforementioned facts, has asked The State of Tennessee, Department of Environment and Conservation to cease its administrative Order process and publicly admit the Order against Tellico Plains was taken in error; and

WHEREAS, The State of Tennessee, Department of Environment and Conservation has failed to publicly admit the Administrative Order and Civil Penalty were issued to the Town of Tellico Plains in error; and

WHEREAS The State of Tennessee, Department of Environment and Conservation issued a second administrative Order to the Town of Tellico Plains for alleged violations at the Sewer Plant on September 4th, 2024 including a civil penalty of $10,400; and

WHEREAS The Department of Environment and Conversation Orders if assumed to be true and valid in all respects fails to allege harm or damages to any Citizen; and

WHEREAS The State of Tennessee Constitution Article I Section 2 States “That government being instituted for the common benefit, the doctrine of nonresistance against arbitrary power and oppression is absurd, slavish, and destructive of the good and happiness of mankind.”; and

WHEREAS The State of Tennessee Constitution Article I Section 8 States “That no man shall be taken or imprisoned, or disseized of his freehold, liberties or privileges, or outlawed, or exiled, or in any manner destroyed or deprived of his life, liberty or property, but by the judgement of his peers, or the law of the land.”; and

WHEREAS The State of Tennessee Constitution Article I Section 17 States “That all courts shall be open; and every man, for an injury done him in his lands, goods, person or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial, or delay. Suits may be brought against the state in such manner and in such courts as the Legislature may by law direct.”; and

WHEREAS The State of Tennessee Constitution Article II Section 1 States “The powers of the government shall be divided into three distinct departments: legislative, executive, and judicial.”; and

WHEREAS The State of Tennessee Constitution Article II Section 1 States "No person or persons belonging to one of these departments shall exercise any of the powers properly belonging to either of the others, except in the cases herein directed or permitted."; and

WHEREAS The United States Constitution Seventh Amendment States "In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law."; and

WHEREAS, The State of Tennessee, Department of Environment and Conservation has usurped both the Legislative and Judicial Branch's authority in the unlawful Administrative Drinking Water Order against Tellico Plains.

NOW, THEREFORE IT BE RESOLVED, the Board of Mayor and Aldermen of the Town of Tellico Plains, Tennessee, authorize the following:

1. Authorizes Mayor Parker to file suit against the State of Tennessee, Department of Environment and Conservation for violating the Constitutional Rights of the Citizens of the Town of Tellico Plains and thru this action restore the principle of separation of Powers to the people of the State of Tennessee.
2. Seek damages as allowed by law against the State of Tennessee Department of Environment and Conservation for their unlawful issuance of an Administrative Order against the Town of Tellico Plains which has impugned the Town, Mayor, and Employees of the Town.
3. Seek Penalties as allowed by law against the State of Tennessee, Department of Environment and Conservation which will dissuade future Constitutional violations of this Department against Tellico Plains and all regulated entities in the State of Tennessee.
4. Establish a legal Defense fund for the purpose of offsetting attorney costs in this matter to be set aside from all other Town funds which will allow Citizens to donate to help Tellico Plains preserve these Rights and Principles in our State. Any funds remaining at the conclusion of this matter will be deposited in the Water and Sewer funds.

Passed and Adopted by the Board of Mayor and Alderman of the Town of Tellico Plains, Tennessee on the ___ day of _____, 2024.

ATTEST:

_____
Mayor

_____
Recorder